

1 RONALD J. TENPAS, Acting Asst. Attorney General
JEAN E. WILLIAMS, Section Chief
2 LAWSON E. FITE,
Trial Attorney (Oregon Bar No. 05557)
3 U.S. Department of Justice
Environment & Natural Resources Division
4 Wildlife & Marine Resources Section
Ben Franklin Station
5 P.O. Box 7369
Washington, DC 20044-7369
6 Phone: (202) 305-0217
7 Fax: (202) 305-0275
Email: lawson.fite@usdoj.gov

8 Attorneys for Defendants

9
10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN FRANCISCO DIVISION**

13
14 CENTER FOR BIOLOGICAL DIVERSITY
and TURTLE ISLAND RESTORATION
15 NETWORK,

16 Plaintiffs,

17 v.

18 DIRK KEMPTHORNE, Secretary of the
United States Department of the Interior, and
19 the UNITED STATES FISH AND
WILDLIFE SERVICE,

20 Defendants.
21

No. C 07-5109 PJH

**JOINT STIPULATION CONTINUING
INITIAL CASE MANAGEMENT
CONFERENCE**

22
23 Pursuant to Civil L.R. 6-2 and 7-12, this Stipulation is entered into by and between Plaintiffs,
24 Center for Biological Diversity and Turtle Island Restoration Network, and Defendants, Dirk
25 Kempthorne, Secretary of the United States Department of the Interior, and H. Dale Hall, Director
26 of the United States Fish and Wildlife Service.

27 WHEREAS, on October 4, 2007, Plaintiffs filed a Complaint for Declaratory and Injunctive
28 Relief pursuant to the Administrative Procedure Act, 5 U.S.C. §§ 701-706, and the Marine Mammal

1 Protection Act, 16 U.S.C. §§ 1361-1421h;

2 WHEREAS, the Initial Case Management Conference in this matter is currently set for
3 January 10, 2008, at 2:30 p.m.;

4 WHEREAS, recent discussions between the Parties as to settlement of this litigation have
5 proven productive;

6 WHEREAS, no extensions of time have previously been granted to either party;

7 NOW, THEREFORE, the parties hereby Stipulate and Agree as follows:

- 8 1. A 30-day continuance of the Initial Case Management Conference is necessary to allow
9 sufficient time for fruitful settlement discussions.
10 2. The Initial Case Management Conference shall be continued to February 14, 2008, at 2:30
11 p.m.

12
13 Dated: December 12, 2007

Respectfully Submitted,

14
15 /s/ Miyoko Sakashita
16 Miyoko Sakashita
17 CENTER FOR BIOLOGICAL DIVERSITY
18 1095 Market Street, Suite 511
19 San Francisco, CA 94103
20 Phone: (415) 436-9682
21 Facsimile: (415) 436-9683
22 Email: miyoko@biologicaldiversity.org

Attorney for Plaintiffs

23
24 RONALD J. TENPAS, Acting Asst. Attorney General
25 JEAN E. WILLIAMS, Section Chief

26 /s/ Lawson E. Fite
27 LAWSON E. FITE,
28 Trial Attorney (Oregon Bar No. 05557)
U.S. Department of Justice
Environment & Natural Resources Division
Wildlife & Marine Resources Section
Ben Franklin Station
P.O. Box 7369
Washington, DC 20044-7369
Phone: (202) 305-0217

Fax: (202) 305-0275
Email: lawson.fite@usdoj.gov

Attorneys for Defendants

PURSUANT TO STIPULATION, IT IS SO ORDERED.

UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CENTER FOR BIOLOGICAL
DIVERSITY,

Plaintiff,

v.

DIRK KEMPTHORNE, et al.,

Defendants.

No. C 07-05109 PJH

CERTIFICATE OF SERVICE

I hereby certify that on December 12, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such to the attorneys of record.

/s/ Lawson E. Fite
LAWSON E. FITE